

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, D.C.

**In the Matter of:
Determination of Rates and
Terms for Making and
Distributing Phonorecords
(Phonorecords III) (Remand)**

**Docket No. 16-CRB-0003-PR (2018-
2022)**

Declaration and Certification of J. Blake Cunningham

1. I am counsel for Google LLC in the above-captioned case. I submit declaration and certification pursuant to Rule 350.4(e)(1) of the Copyright Royalty Judges Rules and Procedures, and per the terms of the Protective Order issued July 28, 2016, in support of the Written Supplemental Remand Testimony of Google Expert Greg Leonard. I am authorized by Google to submit this Declaration.

2. I, or those working under my supervision, are familiar with the Report submitted today, and I have reviewed the definitions and terms provided in the Protective Order. After consultation with my client and personnel working under my supervision, I have determined that to the best of my knowledge, information, and belief, the Report contains information that is proprietary, not available to the public, and commercially sensitive. If disclosed, this material would competitively disadvantage Google or provide a competitive advantage to another party.

3. The Restricted materials includes descriptions of the terms of license agreements subject to confidentiality obligations, as well as descriptions of Google financial performance and accounting.

4. Under Rule 350.4(e)(1), I therefore declare that to the best of my knowledge, information, and belief, the material in the documents produced with the “Restricted” label meet the definition in the Protective Order.

5. The information designated as “Restricted” must be treated as restricted “Protected Material” to prevent business and competitive harm that would result from the disclosure of such information while, at the same time, enabling Google to provide the Copyright Royalty Judges with the most complete record possible on which to base their determination in this proceeding.

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 350.4(e)(1), I declare under the penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

DATED: Austin, TX
November 15, 2021

Respectfully submitted,

KING & SPALDING LLP

A handwritten signature in dark ink, appearing to read "J. Blake Cunningham", is written over a horizontal line.

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Attorney for Google LLC

Proof of Delivery

I hereby certify that on Monday, November 15, 2021, I provided a true and correct copy of the Declaration and Certification of J. Blake Cunningham Regarding Restricted Materials to the following:

Nashville Songwriters Association International, represented by Benjamin K Semel, served via ESERVICE at Bsemel@pryorcashman.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via ESERVICE at benjamin.marks@weil.com

National Music Publishers' Association (NMPA) et al, represented by Benjamin Semel, served via ESERVICE at Bsemel@pryorcashman.com

Amazon.com Services LLC, represented by Scott Angstreich, served via ESERVICE at sangstreich@kellogghansen.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

Spotify USA Inc., represented by Richard M Assmus, served via ESERVICE at rassmus@mayerbrown.com

Signed: /s/ David P Mattern